

NOTICE OF FINAL RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 31. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM

CHILDRENS HEALTH INSURANCE PROGRAM

PREAMBLE

- 1. Sections Affected**

	<u>Rulemaking Action</u>
R9-31-501	Amend
R9-31-502	Amend

- 2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statute: A.R.S. § 36-2986

Implementing statute: A.R.S. § 36-2986

- 3. The effective date of the rules:**

This rulemaking will be effective 60 days from the date of filing with the Secretary of State.

- 4. A list of all previous notices appearing in the *Register* addressing the final rules:**

Notice of Rulemaking Docket Opening: 14 A.A.R. 2786, July 11, 2008

Notice of Proposed Rulemaking: 14 A.A.R. 2973, August 1, 2008

- 5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name:	Mariaelena Ugarte
Address:	AHCCCS
	Office of Administrative Legal Services
	701 E. Jefferson, Mail Drop 6200
	Phoenix, AZ 85034
Telephone:	(602) 417-4693
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E-mail:	AHCCCSRules@azahcccs.gov

- 6. An explanation of the rules, including the agency's reasons for initiating the rulemaking:**

The Administration is proposing rule changes as a result of a 5-Year-Rule Review recently conducted. The section requiring an update contains requirements that relate to pre-existing conditions. The Administration has also made other technical changes as needed.

7. A reference to any study relevant to the rules that the agency reviewed and either relied on in its evaluation of or justification for the rules or did not rely on in its evaluation of or justification for the rules, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

No study was reviewed during this rulemaking and the Agency does not anticipate reviewing any studies.

8. A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

9. The summary of the economic, small business, and consumer impact:

The Administration anticipates that there will be minimal to no economic impact as a result of the rule changes. The changes provide clarification of current processes and technical updates, therefore not requiring a change in practices for those affected by the rulemaking.

10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

No substantial changes have been made between the proposed rules and the final rules below. The Administration made the rules more clear, concise, and understandable by making grammatical, verb tense, punctuation, and structural changes throughout the rules.

11. A summary of the comments made regarding the rules and the agency response to them:

The Administration did not receive any comments regarding the rules.

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable

13. Incorporations by reference and their location in the rules:

None

14. Were these rules previously adopted as emergency rules?

No

15. The full text of the rules follows:

TITLE 9. HEALTH SERVICES

CHAPTER 31. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM

CHILDREN'S HEALTH INSURANCE PROGRAM

ARTICLE 5. GENERAL PROVISIONS AND STANDARDS

Section

R9-31-501. General Provisions and Standards - ~~related~~ Related Definitions

R9-31-502. Pre-existing ~~Definitions~~ Conditions

ARTICLE 5. GENERAL PROVISIONS AND STANDARDS

R9-31-501. General Provisions and Standards - ~~related~~ Related Definitions

Definitions. In this Chapter, unless the context explicitly requires another meaning: ~~"pre-existing condition" means an illness or injury that is diagnosed or treated within a six-month period before the effective date of coverage. terms are defined in R9-31-101 or cross-referenced to the location of the definition.~~

R9-31-502. Pre-existing ~~Definitions~~ Conditions

- A.** ~~Pre-existing conditions. The Administration shall not deny eligibility for the program based on a child having a pre-existing medical condition as defined in R9-31-501.~~
- B.** ~~A contractor or subcontractor shall not adopt or use any procedure to identify individuals who have an existing, pre-existing or anticipated medical or psychiatric condition to discourage or exclude the individuals from enrolling in the contractor's health plan or encourage the individuals to enroll in another health plan.~~

A contractor shall comply with the pre-existing condition requirements in A.A.C. R9-22-502.